



CHRISTOPHER WALSH  
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November 8, 2017

**Via ECF Electronic Filing**

Honorable Peter G. Sheridan, U.S.D.J.  
United States District Court for the District of New Jersey  
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

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AT 8:30  
WILLIAM T. WALSH  
CLERK

**Re: Harmon, et al. v. Borough of Belmar, et al.**  
**Civil Action No. 17-2437**

Dear Judge Sheridan:

As the Court will recall, on October 23, 2017, the Court entered a Memorandum & Order [ECF No. 31] in which the Court abstained from hearing Plaintiffs' claims under *Burford v. Sun Oil Co.*, 319 U.S. 315 (1943). This decision was based on the fact that Plaintiffs Dockside Dining, LLC and DCJ Belmar, Inc. had appealed the denial of their liquor license transfer application to the Division of Alcoholic Beverage Control ("ABC") and that the appeal remained pending before the Office of Administrative Law.

We write to inform the Court that, on November 3, 2017, Plaintiffs Dockside Dining, LLC and DCJ Belmar, Inc. filed a letter with the Office of Administrative Law withdrawing their appeal from the denial of their liquor license transfer application. See November 3, 2017 Letter of Roger J. McLaughlin, Ex. A.

Accordingly, Defendants respectfully request that this matter be reinstated and that

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Defendants' motion to dismiss [ECF No. 12] be re-opened. If anything more than this letter is required to reopen the motion to dismiss, kindly advise the undersigned.

Respectfully submitted,

s/ Christopher Walsh

Christopher Walsh  
Director

Attachment

cc: Roger J. McLaughlin, Esq. (via ECF)

*clerk is directed to re-open  
this case.*

*A conference call with the  
parties is set for 11/28/17 at 12:00. The Hillborn firm  
will be responsible for the logistics of the call.*

SO ORDERED: Peter M. Murchio

DATED: 11/14/17

*Htg. 11/25/17  
at 12:00 PM.*